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U.S. Department of Homeland Security

Citizenship and Immigration Services

ADMINISTRATIVE APPEALS OFFICE  
CIS, AAO, 20 Mass, 3/F  
425 I Street, N. W.  
Washington, DC 20536

File:

Office: Texas Service Center

Date:

JAN 14 2004

IN RE:

Applicant:

Application:

Application for Temporary Protected Status under Section 244 of the Immigration and Nationality Act, 8 U.S.C. § 1254

ON BEHALF OF APPLICANT:

Self-represented

**INSTRUCTIONS:**

This is the decision in your case. All documents have been returned to the office that originally decided your case. Any further inquiry must be made to that office.

*Robert P. Wiemann* for  
Robert P. Wiemann, Director  
Administrative Appeals Office

**DISCUSSION:** The application was denied by the Director, Texas Service Center, and is now before the Administrative Appeals Office on appeal. The appeal will be rejected.

The applicant is a native and citizen of Honduras who indicated on her Form I821 application that she entered the United States on December 1, 1996, without a lawful admission or parole. The director denied the application for Temporary Protected Status (TPS) under section 244 of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1254, for failure to respond to a request for evidence to establish her eligibility for TPS.

If all requested initial evidence and requested additional evidence is not submitted by the required date, the application or petition shall be considered abandoned and, accordingly, shall be denied. 8 C.F.R. § 103.2(b)(13). A denial due to abandonment may not be appealed, but an applicant or petitioner may file a motion to reopen. 8 C.F.R. § 103.2(b)(15).

The record reveals that the applicant filed her application on March 11, 2002. On March 26, 2002, the applicant was requested to submit additional evidence establishing her qualifying residence and physical presence in the United States. The applicant was also requested to submit proof of eligibility for late registration. The record does not contain a response from the applicant; therefore, the director denied the application for lack of prosecution (abandonment) on April 9, 2003. On appeal, the applicant fails to submit any further evidence to overcome the findings of the director.

There is no appeal of the director's decision in the present matter. If the applicant has additional evidence for the record, such documentation should be forwarded on a motion to reopen to the office having jurisdiction over the present application (the office that rendered the initial decision i.e., the Texas Service Center). Since there is no appeal of the decision in the present matter, the appeal must be rejected.

It is also noted that the applicant was ordered removed and that a Form I-205 Warrant of Removal was issued on April 22, 1998, at Houston, Texas.

**ORDER:** The appeal is rejected.